

SIMMONS, JANNACE & STAGG, L.L.P.

KEVIN P. SIMMONS
STEVEN D. JANNACE
THOMAS E. STAGG*
DEBRA LYNNE WABNIK*
DANIEL P. GREGORY*
ANDREW KAZIN
SAL F. DELUCA

JASON W. CREECH
JACQUELINE DELLA CHIESA
GEORGE C. FONTANA
STEPHEN C. GIAMETTA
MICHAEL D. KERN
ALLISON C. LEIBOWITZ
ADAM M. LEVY
HALEY E. OLAM
COREY J. PUGLIESE
MARVIN N. ROMERO*
MICHELLE E. TARSON*

ATTORNEYS AT LAW
75 JACKSON AVENUE
SYOSSET, NEW YORK 11791-3139
(516) 357-8100
FAX (516) 357-8111

381 BROADWAY, SUITE 300
WESTWOOD, NEW JERSEY 07675

700 CANAL STREET
STAMFORD, CONNECTICUT 06902

COUNSEL

SUSAN B. JANNACE
ROSS M. CHINITZ
KRISTEN RENZULLI*

*ALSO ADMITTED NJ
ALSO ADMITTED CT
ALSO ADMITTED DC

July 28, 2008

VIA ECF

Honorable Richard J. Holwell
U.S. District Court
Southern District of New York
500 Pearl Street
New York, New York 10007-1312

Re: Thelma Felipe v. Target Corporation and
Kingsbridge Associates, LLC
Civil Action No.: 08 CIV 4317(JH) (MP)
J. Holwell
M. Pitman
Our File No.: TAR 5558

Dear Honorable Judge Holwell:

As your Honor is aware, this office represents defendant Target Corporation in regards to the above-referenced matter.

I respectfully submit the attached affidavit from Jeff Bernstein, the Controller for Kingsbridge Associates, LLC, ("Kingsbridge") which was provided to us today by Kingsbridge's counsel. As Mr. Bernstein's affidavit indicates, Kingsbridge does not and did not own, on September 9, 2007, any part of the premises where the subject Target store is located. Mr. Bernstein further affirms that Kingsbridge did not have any

Honorable Richard J. Holwell
U.S. District Court
Southern District of New York
July 28, 2008
Page 2

responsibility for repairing and/or maintaining the interior portion of the Target store.

We have been advised by Kingsbridge's counsel that due to a family emergency, counsel was unable to provide us with Mr. Bernstein's affidavit by Friday, July 25, 2008. In light of the above, I respectfully request that the Court consider Mr. Bernstein's affidavit as further evidence that Kingsbridge Associates, LLC is not a proper party to this action and therefore its citizenship should not be considered for purposes of diversity jurisdiction. As such, plaintiff's motion for a remand should be denied.

Very truly yours,

/s/Marvin N. Romero

MNR:mmmr
Attachment

Marvin N. Romero (mr-7555)

LSK&D #: 290-8072 / 1050616

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

-----X
THELMA FELIPE,

Plaintiff,

Index No.: 302329/08

-against-

AFFIDAVIT

TARGET CORPORATION and KINGSBRIDGE
ASSOCIATES, LLC,

Defendants.
-----X

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

Jeff Bernstein, being duly sworn, deposes and says:

1. I am the Controller for **KINGSBRIDGE ASSOCIATES, LLC** ("**KINGSBRIDGE**"), located at 99 Powerhouse Road, Roslyn, New York 11577. I have been employed as the Controller by **KINGSBRIDGE** since its formation in April, 1999.

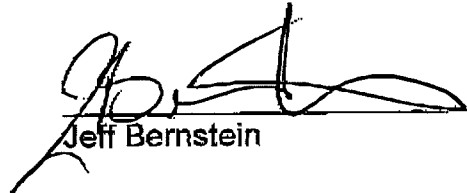
2. **KINGBRIDGE** is and was on September 9, 2007, an owner of a portion of the River Plaza Shopping Center.

3. Although the Target Store ("Target Store") is within the River Plaza Shopping Center, **KINGBRIDGE** does not nor did it on September 9, 2007, own any part of the premises where the Target Store is located.

4. Indeed, **KINGSBRIDGE** is and was on September 9, 2007, the owner of lots 654, 655 and 700 on block 2215. The Target Store is either located on lot 51 of block 3245 or lots 657, 671 or 715 of block 2215.

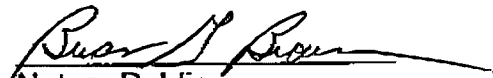
5. Upon information and belief, **TARGET CORPORATION** is and was on September 9, 2007, the owner of the Target Store premises.

6. In addition, **KINGSBRIDGE** does not control and/or have any responsibility for repairing and/or maintaining the interior portion of the Target Store.


Jeff Bernstein

Sworn to before me this

23RD day of JULY, 2008


Notary Public

BRIAN G. BROWN
Notary Public, State of New York
No. 01BR6151227
Qualified in Suffolk County
Commission Expires August 14, 2012